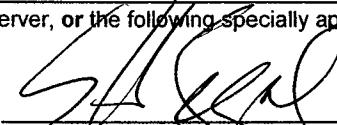
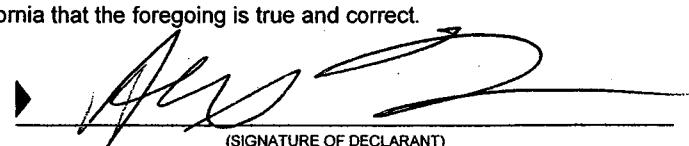


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Alex Darcy, Esq. (CSBA No. 189315) Askounis & Borst, P.C. 180 N. Stetson Ave., Suite 3400 Chicago, IL 60601		FOR COURT USE ONLY
TELEPHONE NO.: (312) 861-7100 FAX NO.: (312) 861-0022		
ATTORNEY FOR (Name): STERLING NATIONAL BANK		
NAME OF COURT: United States District Court, Central District of California		
STREET ADDRESS: 312 North Spring Street		
MAILING ADDRESS: Los Angeles, CA 90012		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF: STERLING NATIONAL BANK		
DEFENDANT: DAVID L. SOLOMON		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input type="checkbox"/> ENFORCEMENT OF JUDGMENT <input checked="" type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input checked="" type="checkbox"/> Third Person		CASE NUMBER: CV 06-3989-GPS(SSx)
ORDER TO APPEAR FOR EXAMINATION TO (name): WMD Capital Markets, LLC, Attn: Marla J. Perez, 559 San Ysidro Rd., Suite I, Santa Barbara, CA 93108 YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to a. <input checked="" type="checkbox"/> furnish information to aid in enforcement of a money judgment against you. b. <input type="checkbox"/> answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor. c. <input checked="" type="checkbox"/> answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.		
Date: <u>March 11</u> , 2008 Time: 10:00 am Courtroom Number: 3rd Floor, Room 23 Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:		
3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name): Date: <u>1/18/08</u>  JUDGE OR MAGISTRATE JUDGE		
This order must be served not less than 10 days before the date set for the examination. IMPORTANT NOTICES ON REVERSE		
APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION		
4. <input checked="" type="checkbox"/> Judgment creditor <input type="checkbox"/> Assignee of record <input type="checkbox"/> Plaintiff who has a right to attach order applies for an order requiring (name): <u>to appear and furnish information</u> to aid in enforcement of the money judgment or to answer concerning property or debt.		
5. The person to be examined is a. <input type="checkbox"/> the judgment debtor. b. <input checked="" type="checkbox"/> a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached. See <u>Exhibit A</u> attached hereto.		
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination. 7. <input type="checkbox"/> This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached. 8. <input type="checkbox"/> The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.		
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.		
Date: <u>1/16/08</u> <u>Alex Darcy</u> (TYPE OR PRINT NAME)		 (SIGNATURE OF DECLARANT)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (*Describe the property or debt using typewritten capital letters*):

- 1) WAGES AND OTHER MONEY WHICH DEBTOR MAY BE ENTITLED OR WHICH MAY HEREAFTER BE ACQUIRED BY OR BECOME DUE TO DEBTOR.
- 2) PROPERTY TRANSFERRED TO OR FROM DEBTOR, OR HELD ON BEHALF OF DEBTOR.
- 3) PROPERTY TRANSFERRED TO OR FROM THIRD PARTY ON BEHALF OF DEBTOR.

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

1 Alex Darcy (CSBA No. 189315)
2 Askounis & Borst, P.C.
3 Two Prudential Plaza
4 180 N. Stetson St., Suite 3400
5 Chicago, Illinois 60601
6 Tel: (312) 861-7100
7 Fax: (312) 861-0022
8 adarcy@askborst.com

9 Attorney for Plaintiff:
10 Sterling National Bank

11

12

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16

17 STERLING NATIONAL BANK, } Case No. CV 06-3989 GPS(SSx)
18 Plaintiff, } DECLARATION OF ALEX
19 v. } DARCY SUPPORTING
20 DAVID L. SOLOMON, individually, } APPLICATION FOR ORDER FOR
21 Defendant. } EXAMINATION OF THIRD
22 } PARTY

23

24

25

26

27

28

DECLARATION OF ALEX DARCY

I, Alex Darcy, declare that:

1. I have personal knowledge of the matters set forth herein and if called to testify would state as follows.

2. I am over the age of eighteen.

3. I am counsel for Sterling National Bank ("Sterling") in the above-captioned matter

4. On May 25, 2007, Sterling obtained a money judgment against David L. Solomon ("Solomon"), individually, in the amount of \$506,374.36.

5. To date, \$506,374.36 remains unsatisfied.

6. According to WMD Capital Markets, LLC's website, Solomon is its President. See Exhibit 1 attached hereto.

EXHIBIT

A

DECLARATION OF ALEX DARCY

1 7. Upon information and belief, WMD Capital Markets, LLC has
2 possession or control of property which belongs to Solomon or owes a debt to
3 Solomon in an amount exceeding two hundred fifty dollars (\$250.00). This
4 property/debt is as follows:

- a) Wages and other money which Solomon may be entitled or which may hereafter be acquired by or become due to Solomon;
- b) Property transferred to or from Solomon, or held on behalf of Solomon.

9 8. The place of business of WMD Capital Markets, LLC is in Santa
10 Barbara, Santa Barbara County, California, and the distance from its place of business
11 to the place of examination is less than 150 miles.

12 I declare under penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct.

14

15

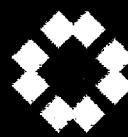
STERLING NATIONAL BANK,

17 || Date: January 6, 2008

By:

Alex Darc

21 U:\BJohnson\Sterling\David Solomon\Pleadings\Declaration.Alex.1.11.08.wpd



WMD Capital Markets, LLC

[home](#) | [perspective](#) | [insight](#) | [expertise](#) | [news](#) | [careers](#) | [contact](#)

559 San Ysidro Road, Suite 1
Santa Barbara, CA 93108

Tel 805 969 6300
Fax 805 969 6977

[Info@wmddcapital.com](mailto:info@wmddcapital.com)
www.wmddcapital.com

William M. Daugherty
Chief Executive Officer
wmd@wmddcapital.com

Dennis E. Carlton, Esq.
Managing Director
& General Counsel
dcarlton@wmddcapital.com

David L. Solomon
President
dsolomon@wmddcapital.com

Heidi L. Lake
Vice President
hlake@wmddcapital.com

Kevin W. Schoening
Senior Vice President
kschoening@wmddcapital.com

Michael C. Thomas
Chief Financial Officer
mthomas@wmddcapital.com

Brooke E. Powell
Vice President
bpowell@wmddcapital.com

Marla J. Perez
Accounting Manager
mperez@wmddcapital.com

Jennifer Kinsella
Vice President
jkinsella@wmddcapital.com

Christopher R. Hund
Associate Trader
chund@wmddcapital.com

Connor Humphreys
Associate
chumphreys@wmddcapital.com

tabbies®

EXHIBIT